

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF OREGON

3 EUGENE DIVISION

4 THE HON. MICHAEL J. McSHANE, JUDGE PRESIDING

5
6
7 UNITED STATES OF AMERICA,)

8 Government,)

9 v.)

No. 6:14-cr-00482-MC-1

10 DANIEL STEPHEN JOHNSON,)

11 Defendant.)

12
13
14 REPORTER'S TRANSCRIPT OF PROCEEDINGS

15 EUGENE, OREGON

16 FRIDAY, MAY 4, 2018

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PROCEEDINGS

FRIDAY, MAY 4, 2018

THE COURT: All right. Any matters before we bring the jury in?

All right. Get our witness back on the stand.

MS. BRITSCH: Certainly, Your Honor. We'll get the witness.

(Jury in.)

(The power went out.)

THE COURT: How do people want to proceed? I mean it's -- I mean we don't have microphones. People would have to speak up. We are a little bit in the dark. Or we can just hold tight and wait.

The court reporter system is working. We have no evidence, so I think we might have to wait.

MR. WEINERMAN: I would like to be able to read my notes. That would be helpful.

THE COURT: Yes.

Can we get it through the generator?

THE CLERK: I can go ask Paul.

MR. WEINERMAN: I would like the jury to be able to see the witness as well. I am not trying to be difficult.

THE COURT: No. I am thinking out loud trying to solve what seems to be an insolvable problem.

(Off record.)

(Jury in.)

(Witness CC XXXXXX resumes the stand.)

THE COURT: All right. Please be seated,
everybody.

All right. Thank you, folks, for your patience.
It's not the federal government closing down for the
afternoon. We are back online, and we are going to continue
with cross-examination.

CONTINUED CROSS-EXAMINATION

BY MR. WEINERMAN:

Q. So CC X, before we broke for lunch, you were talking
about your meeting with Martin, the defense investigator, on
June 15th, 2015, in Prey Veng.

A. (By the interpreter) Yes.

Q. And we were talking about what you told him about your
interview with the Cambodian National Police.

A. (By the interpreter) Yes.

Q. And you told Martin that you were very scared when you
were interviewed by the Cambodian police?

A. (By the interpreter) Yes.

Q. And you told Martin that you told the Cambodian police
that Daniel touched you one time?

A. (By the interpreter) Yes.

Q. And then when you were interviewed by FBI Martha about

13:50:19 1 nine, ten months later, you told her that he touched you
2 three times?
3 A. (By the interpreter) Yes.
4 Q. And then you told Martin that actually nothing ever
5 really happened between you and Daniel?
6 A. (By the interpreter) But it's only words of making an
7 excuse.
8 Q. So you are saying you lied to Martin?
9 A. (By the interpreter) Yes.
10 Q. You told Martin that you said these things to the
11 Cambodian police and to Martha because you just wanted them
12 to leave you alone?
13 A. (By the interpreter) Yes.
14 Q. And you told Martin that Daniel never did anything bad
15 to you?
16 A. (By the interpreter) It's only words of excuse.
17 Q. Lies, in other words?
18 A. (By the interpreter) Yes.
19 Q. And then you talked to Martin again about a year later,
20 June 16th of 2016?
21 A. (By the interpreter) Yes.
22 Q. And Martin had an interpreter with him who spoke Khmer?
23 A. (By the interpreter) Yes.
24 Q. And he had an interpreter the first time he talked to
25 you in Prey Veng?

13:52:59 1 A. (By the interpreter) True.

2 Q. And this interview with Martin took place in your

3 mother's home?

4 A. (By the interpreter) Before?

5 Q. Did the interview with Martin take place in your

6 mother's home in Prey Veng?

7 A. (By the interpreter) I forgot perhaps.

8 Q. Do you remember your mother being present when you

9 talked to Martin the second time?

10 A. (By the interpreter) Do you have a picture?

11 Q. I don't think I have a picture. I am sorry.

12 A. (By the interpreter) But I think I forgot.

13 Q. Okay. And you told Martin the same thing you told him

14 the first time he met with you?

15 A. (By the interpreter) Yes.

16 Q. You told him that Daniel never touched you sexually?

17 A. (By the interpreter) But it's only words of excuse.

18 Q. And you told Martin that you told the Cambodian police

19 that Daniel did sexually abuse you because you believe

20 that's what the police wanted to hear?

21 INTERPRETER LAURENT: Counsel, could you please

22 repeat the question.

23 MR. WEINERMAN: Yes. I am going to break that

24 down.

25 BY MR. WEINERMAN:

13:55:06 1 Q. You told Martin that you made the statement to the
2 Cambodian National Police that Daniel sexually abused you
3 because that is what the police wanted to hear?

4 A. (By the interpreter) Yes. But that story -- because
5 that is just an explanation. An explanation because at that
6 time I was very young.

7 Do you want to hear the truth now or do you want
8 to hear the truth back then?

9 Q. Well, let me ask you this: You say you were young.
10 That was just two years ago when you talked to Martin?

11 A. (By the interpreter) Two years ago.

12 Q. Two years ago, 2016.

13 A. (By the interpreter) Because I cannot remember
14 everything from then till now.

15 Q. Okay. But I understand you are saying you lied to
16 Martin?

17 A. (By the interpreter) Yes.

18 Q. And you thought it was okay to lie to Martin?

19 A. (By the interpreter) Yes.

20 Q. So the next time you talked about this was a meeting
21 with the FBI on December 5th, 2016. And you talked to the
22 FBI at Hagar?

23 A. (By the interpreter) Yes.

24 Q. And you talked to one -- looks like one FBI agent and
25 someone else. I don't recognize the initials.

13:57:53 1 A. (By the interpreter) What's the name?
2 Q. Sean Yan and Douglas MacFarlane. Douglas MacFarlane is
3 an FBI agent.
4 Do you remember that?
5 A. (By the interpreter) I don't remember.
6 Q. All right. Do you remember being at a meeting at
7 Hagar?
8 Okay. You are shaking your head negatively. You
9 don't remember the meeting?
10 A. (By the interpreter) Remember? Don't remember.
11 Q. All right. Let me give you some more information.
12 You met with the FBI agents and LS X? VS XXXX?
13 A. (By the interpreter) With LS X? Is that with LS X
14 then?
15 Q. The meeting -- let me tell you who was there, and you
16 tell me if you remember.
17 An FBI agent. An FBI agent, LS X, you, VS XXXX,
18 ES XXX.
19 Do you remember that meeting?
20 A. (By the interpreter) No.
21 Q. Okay. That was a meeting in which the FBI was telling
22 you about what was going on with Daniel's criminal case in
23 the United States. Do you remember that?
24 A. (By the interpreter) Don't remember.
25 Q. Okay. And they explained to you what happens in courts

13:59:59 1 in the United States. Do you remember that?

2 A. (By the interpreter) Don't remember.

3 Q. Do you remember telling the FBI the following
4 statement: That when the Cambodian police came to the
5 orphanage when Daniel was arrested, you told the police
6 about some things that did not happen?

7 A. (By the interpreter) Yes.

8 Q. Do you remember that?

9 A. (By the interpreter) I remember.

10 Q. All right. So let me -- I may not have read it exact,
11 so I want to make sure we got this right.

12 You told the FBI that, when the Cambodian police
13 came to the orphanage, you told them some things that had
14 happened between you and Daniel?

15 A. (By the interpreter) At that time? Yes, remember.

16 Q. And you told the FBI that those things you told the
17 Cambodian police happened did not really happen?

18 A. (By the interpreter) Yes.

19 Q. And you told the FBI that the Cambodian police was
20 aggressive and you were scared at the time?

21 A. (By the interpreter) Yes.

22 Q. And you were concerned that you would get in trouble if
23 you told the police one thing and then you go to court and
24 say something different?

25 A. (By the interpreter) Yes.

14:03:08 1 Q. Okay. So are you saying the same thing? That you lied
2 to the FBI?

3 A. (By the interpreter) There was a time in which I told
4 the truth.

5 Q. I am asking you what -- whether you told the truth or
6 not when you met with the FBI on December 16th, 2016.

7 A. (By the interpreter) Do you have the stuff? I don't
8 remember.

9 Q. Well --

10 A. (By the interpreter) What time?

11 Q. I have a report. That's all I have. Written by the
12 FBI. That's all I have.

13 So when you told the FBI those things, was it
14 true?

15 A. (By the interpreter) True, but there are things that I
16 would rarely hardly ever tell people.

17 Q. So when you talked to the FBI on December 5th, 2016,
18 did you tell the truth or did you tell a lie?

19 A. (By the interpreter) I don't know. I forgot.

20 Q. All right. So let's move on to the next time you
21 talked to the FBI.

22 A. (By the interpreter) The following meeting?

23 Q. March 21st, 2017.

24 INTERPRETER LAURENT: What year, counsel?

25 BY MR. WEINERMAN:

14:05:42 1 Q. Do you remember that?

2 INTERPRETER LAURENT: Excuse me. The interpreter
3 would like to clarify the year. March 21st, what year?

4 MR. WEINERMAN: 2017.

5 THE WITNESS (By the interpreter): I only remember
6 the one time in which I spoke the truth, and that's it.

7 BY MR. WEINERMAN:

8 Q. Well, I am going to ask you about March 21st, 2017.

9 So that meeting was on videotape, correct?

10 A. (By the interpreter) Yes.

11 Q. And was that -- the video was taken at the Cambodian
12 police?

13 A. (By the interpreter) Yes.

14 Q. And there were people from the Cambodian National
15 Police there?

16 A. (By the interpreter) No. Outside.

17 Q. Weren't they listening in another room?

18 A. (By the interpreter) Outside of the video room.

19 Q. Outside of the video room?

20 A. (By the interpreter) There's only two people that was
21 with me.

22 Q. In the video room?

23 A. (By the interpreter) Yes.

24 Q. The police were outside the video room?

25 A. (By the interpreter) Yes.

14:07:19 1 Q. Watching the interview?

2 A. (By the interpreter) Yes.

3 Q. And also present was Lindsay Alderson?

4 A. (By the interpreter) Yes.

5 Q. And you consider her to be -- well, she is a sponsor of

6 yours?

7 A. (By the interpreter) Mother.

8 Q. She is your mother?

9 A. (By the interpreter) Yes.

10 Q. In fact, you sometimes use the name Alderson as your

11 last name?

12 A. (By the interpreter) Yes, and my Facebook name is CC

13 XXXXXXXXXXXX.

14 Q. So she was watching your statement to the FBI from

15 another room, correct?

16 A. (By the interpreter) No.

17 Q. And --

18 A. (By the interpreter) No. They -- she took it as a

19 video in somewhere else.

20 Q. She was watching on video?

21 MS. BRITSCH: I am going to object, Your Honor.

22 THE COURT: Grounds?

23 MS. BRITSCH: I think he may be confused about

24 there's a video where Lindsay Alderson was present, but I

25 believe that's separate from this interview. And I think

14:08:50 1 the questions are confusing on that point.

2 THE COURT: Can you clarify?

3 THE WITNESS (By the interpreter): Oh.

4 BY MR. WEINERMAN:

5 Q. So Lindsay Alderson was in the building when you were
6 interviewed by the FBI on video?

7 A. (By the interpreter) No.

8 Q. Lindsay Alderson encouraged you to change your story
9 again and tell the FBI that Daniel had sexually touched you?

10 A. (By the interpreter) Yes. She encouraged me to tell
11 what is the truth.

12 Q. And you want to live with her in the United States; is
13 that correct?

14 A. (By the interpreter) Yes.

15 Q. And to be able to live with her in the United States,
16 you have to change your story again?

17 A. (By the interpreter) No.

18 Q. You have to tell the FBI that Daniel sexually touched
19 you?

20 A. (By the interpreter) No. She only encouraged me to
21 tell what is the truth, to tell that and speak about that
22 truth.

23 Q. At the beginning of the interview with the FBI,
24 March 21st, 2017, about ten minutes into the interview did
25 you ask the FBI when you will be going to the United States?

14:11:25 1 A. (By the interpreter) Yes.

2 Q. And then after you told the FBI on March 21st that

3 Daniel had sexually touched you, you asked them when can you

4 go to the United States?

5 A. (By the interpreter) Yes, because I want it to be over

6 because I don't want to keep it inside my body anymore.

7 It's bad.

8 Q. So you -- go ahead. I thought you were done.

9 A. (By the interpreter) Yes.

10 Q. All right. So the next time you met with the FBI was

11 just about two months ago in Cambodia; March 8th, 2018?

12 A. (By the interpreter) Yes.

13 Q. Okay. And that was at the U.S. embassy in Phnom Penh?

14 A. (By the interpreter) Yes.

15 Q. And some people in this room were present at the

16 interview?

17 A. (By the interpreter) Yes.

18 Q. All right. So tell me if I am correct.

19 In the front row, the two gentlemen seated -- are

20 raising their hands, were they there?

21 A. (By the interpreter) True.

22 Q. And the young lady next to them?

23 A. (By the interpreter) Yes.

24 Q. And the young lady in back of them?

25 A. (By the interpreter) Yes.

14:14:00 1 Q. All right. They were all there?
2 A. (By the interpreter) Yes.
3 Q. And you recall telling them that Lindsay and Kelby
4 Alderson are your godparents?
5 A. (By the interpreter) Yes.
6 Q. And you asked them if you could remain in the United
7 States permanently following Daniel's trial?
8 A. (By the interpreter) I did.
9 Q. Okay. And one of them said to you, "No."
10 A. (By the interpreter) Yes.
11 Q. Which one told you that?
12 A. (By the interpreter) Perhaps maybe it's -- I don't
13 remember.
14 Q. Male or female?
15 A. (By the interpreter) Male.
16 Q. Hair or no hair?
17 A. (By the interpreter) That question has no answer.
18 Q. Was it one of these two gentlemen here?
19 A. (By the interpreter) Maybe one of them.
20 Q. You are not sure which one?
21 A. (By the interpreter) I forgot.
22 Q. All right. And when they said no, you can't stay, did
23 you ask them why?
24 A. (By the interpreter) Yes.
25 Q. And what did they say?

14:16:12 1 A. (By the interpreter) Maybe -- I don't remember because
2 it's not up to me or -- and it's not up to the person I
3 asked the question. It's not up.

4 Q. So you didn't ask for them to explain why you couldn't
5 stay permanently?

6 A. (By the interpreter) Well, I did not ask. Maybe I
7 didn't ask them, but I am going to ask God.

8 Q. Would you repeat that last part, please. I didn't
9 hear.

10 A. (By the interpreter) The only way I am going to be able
11 to live this, I would have to ask God.

12 Q. Okay. Was it explained to you by any of them that
13 there's a process to stay in the United States after you
14 testify in a case like this?

15 A. (By the interpreter) No.

16 Q. Do you recall telling them that you were having
17 financial problems?

18 A. (By the interpreter) Yes.

19 Q. And you wanted to stay here?

20 A. (By the interpreter) It's not for that reason. If it's
21 in that case that you just talked about, I would have to
22 have a job and I would have to have a place, and then I
23 would be able to have money to send money back to Cambodia.

24 Q. Have you looked into the possibility -- well, let me
25 strike that and start again.

14:18:39 1 After that meeting with these gentlemen and these
2 ladies, have you looked into whether you can stay in the
3 United States?

4 A. (By the interpreter) Are you asking me?

5 Q. I am asking you.

6 A. (By the interpreter) I don't know about that because I
7 am not the court.

8 Q. Do you have an attorney?

9 A. (By the interpreter) I don't know.

10 Q. Did an attorney come visit you at the hotel since you
11 have been here?

12 A. (By the interpreter) Yes.

13 Q. Do you remember his name?

14 A. (By the interpreter) I don't.

15 Q. Was his name Austin Rainwater?

16 A. (By the interpreter) Yes.

17 Q. Did you meet with him alone or with some of the other
18 boys who are here?

19 A. (By the interpreter) I have.

20 Q. Did you all meet together or did you meet separately?

21 MS. BRITSCH: Your Honor, I am going to object on
22 the basis of attorney-client privilege.

23 THE COURT: Overruled.

24 THE WITNESS (By the interpreter): What are you
25 asking now?

14:20:33

1 BY MR. WEINERMAN:

2 Q. I mean, did you meet, just you and Austin Rainwater?
3 Just the two of you?

4 A. (By the interpreter) Not just one person. Everybody
5 was there. Four people.

6 Q. All right. So also present was VS XXXX?

7 A. (By the interpreter) Yes.

8 Q. LS X?

9 A. (By the interpreter) Yes.

10 Q. SO XXX?

11 A. (By the interpreter) Yes.

12 Q. And you?

13 A. (By the interpreter) Yes.

14 Q. And the attorney?

15 INTERPRETER LAURENT: And the attorney?

16 BY MR. WEINERMAN:

17 Q. And the attorney?

18 INTERPRETER LAURENT: Wait. I am sorry. You said
19 it too -- and the attorney?

20 BY MR. WEINERMAN:

21 Q. And the attorney, yes.

22 A. (By the interpreter) Yes, yes, yes.

23 Q. All right. So I don't want you to tell me what the
24 attorney told you.

25 THE COURT: It's not clear to me that with the

14:21:31 1 four of them there it's a confidential communication that
2 would be subject to privilege.

3 MS. BRITSCH: Your Honor, just for the record,
4 they are all that attorney's clients.

5 THE COURT: Right, but an attorney who is speaking
6 to four clients at the same time, I would be hard-pressed to
7 find that falls under attorney-client privilege.

8 MS. BRITSCH: Understood. I just want to make
9 that clear, Judge. Thank you.

10 BY MR. WEINERMAN:

11 Q. All right. So I just want to ask you a few questions
12 about what you talked about at the meeting.

13 A. (By the interpreter) What if I don't want to tell you?

14 THE COURT: Well, you do have to answer the
15 question.

16 THE WITNESS (By the interpreter): What question?
17 About what?

18 BY MR. WEINERMAN:

19 Q. Did you talk to the attorney about trying to stay here
20 after you testify in this case?

21 A. (By the interpreter) I asked. I only ask.

22 Q. You asked if you could?

23 A. (By the interpreter) Yes.

24 Q. Did he explain to you how it could be done?

25 A. (By the interpreter) He said he does not know.

14:23:03

1 Q. Doesn't know?

2 A. (By the interpreter) Yes.

3 Q. Did you ask him if he could find someone who could help
4 you who does know?

5 A. (By the interpreter) No.

6 MR. WEINERMAN: Can I have a minute, Judge?

7 (Defense counsel conferred.)

8 BY MR. WEINERMAN:

9 Q. How long did this meeting last?

10 A. (By the interpreter) It's not -- oh, probably ten
11 minutes.

12 Q. Ten minutes?

13 Was he -- well, let me strike that.

14 Did anybody else ask the attorney if they could
15 stay here?

16 A. (By the interpreter) No. No.

17 Q. You were the only one?

18 A. (By the interpreter) Oh, my goodness.

19 Yes. People ask, but it's really hard for me to
20 answer because it's their rights.

21 Q. Whose right?

22 A. (By the interpreter) The rights of the people who ask
23 the attorney questions.

24 Q. So are you going to talk to this attorney again?

25 A. (By the interpreter) Don't know.

14:24:41 1 Q. Did he say to you that he was going to get back to you
2 with information about how to stay in the United States?

3 A. (By the interpreter) No. No, he didn't say that, but
4 he did say this: That if I need him to come over here, he
5 was willing to come here then.

6 Q. Okay. All right. Do you know BT XXXXXXXX?

7 A. (By the interpreter) BT XX?

8 Q. Yes. Do you know BT XX? He used to live at Hope
9 Transitions Center.

10 A. (By the interpreter) Yes.

11 Q. He left in 2013.

12 A. (By the interpreter) Yes.

13 Q. So you know him?

14 A. (By the interpreter) I know him.

15 Q. Has he visited you since you have been here in the
16 United States?

17 A. (By the interpreter) Yes, he did.

18 Q. So you talked to him?

19 A. (By the interpreter) Yes.

20 Q. Did you talk about the subject of staying in the United
21 States after you testify?

22 A. (By the interpreter) No. But I did ask him, see how
23 he's doing, what's going on.

24 Q. Did you ask him how he has been able to stay in the
25 United States since 2013?

14:26:50 1 A. (By the interpreter) No. No. I ask him -- but I ask
2 him about did you come to study for real.
3 Q. You asked BT XX that?
4 A. (By the interpreter) Yes.
5 Q. After you are finished testifying, are you going to
6 visit your foster parents or your surrogate parents in
7 Texas, the Aldersons?
8 A. (By the interpreter) No, I cannot go.
9 Q. Why can't you go?
10 A. (By the interpreter) I have no money to go.
11 Q. Well, you have gotten a little bit of money for coming
12 here and testifying, right?
13 A. (By the interpreter) Yes.
14 Q. You get about \$500 a week, right?
15 A. (By the interpreter) Yes. But for food.
16 Q. Do you use all of that for food?
17 A. (By the interpreter) Not all of it, but I have to -- I
18 have to save with others.
19 Q. Let me just see if I -- I am almost done.
20 Just a few questions. I think you testified on
21 direct examination that Daniel once gave you a gift of an
22 iPad -- an iPod? iPod?
23 A. (By the interpreter) iPod. Christmas.
24 Q. It was a Christmas present?
25 A. (By the interpreter) Yes. Yes, maybe.

14:29:34 1 MR. WEINERMAN: Thank you very much. I have no
2 further questions.

3 THE COURT: All right. Any redirect?

4 MS. BRITSCH: Just a couple questions, Your Honor.

5 **REDIRECT EXAMINATION**

6 BY MS. BRITSCH:

7 Q. CC X, this will be quick. Mr. Weinerman has asked you
8 about how old you were when Daniel was arrested.

9 A. (By the interpreter) Yes.

10 Q. I believe you said you were 15 or 16.

11 A. (By the interpreter) Yes.

12 Q. And based on your birth date, by my math you would have
13 been 15 in December 2013. Does that sound right?

14 A. (By the interpreter) Yes.

15 Q. Because you were born in 1998; is that correct?

16 A. (By the interpreter) Yes.

17 Q. And CC X, defense counsel asked you a few questions
18 about their investigator, Martin.

19 A. (By the interpreter) Yes.

20 Q. When Martin came to visit you at your home those times
21 and asked you questions, were you under oath?

22 A. (By the interpreter) No.

23 Q. And CC X, separate from what you have said all those
24 other times in the past, is what you have told us here today
25 true?

14:31:27 1 A. (By the interpreter) Yes. Yes.

2 Q. Thank you.

3 Excuse me.

4 A. (By the interpreter) You can have me swear again if you
5 like.

6 MS. BRITSCH: That's not necessary. Thank you,
7 CC X.

8 Your Honor, I have no more questions for this
9 witness, but we would like to play a short clip. It is the
10 clip that is associated with the transcripts we gave to the
11 court at lunch; defense counsel as well.

12 THE COURT: I've reviewed the redacted transcript
13 and -- well, first of all, is there any objection to the
14 redacted?

15 MR. WEINERMAN: No, other than what I
16 previously --

17 THE COURT: Over objection, I will allow it to be
18 played.

19 THE WITNESS (By the interpreter): I don't want to
20 be here for the videos.

21 THE COURT: Do we need to have the witness here
22 for the video?

23 MS. BRITSCH: We don't think it's necessary. We'd
24 ask that he be excused, please.

25 THE COURT: All right. CC X, you are now free to

14:32:30 1 leave.

2 CC X, you are still under subpoena in the case.
3 It's possible they could call you back, but at this point
4 you are free to leave the courthouse.

5 THE WITNESS (By the interpreter): Yes.

6 There is something another day again?

7 THE COURT: I don't believe so, but it is always
8 possible if we had to clarify anything. But I don't think
9 either side wishes to call you back to the stand.

10 THE WITNESS (By the interpreter): Okay. Thank
11 you. Yes.

12 MS. BRITSCH: And, Your Honor, for the record, the
13 two video clips we will be showing have been marked as
14 Exhibits 239A and 239B.

15 THE COURT: All right. This will be received.

16 JUROR NO. 7: Do we have another one? We are
17 short one.

18 MS. BRITSCH: I believe I have an extra, Your
19 Honor.

20 THE CLERK: Oh, I am sorry. I have another one.

21 THE COURT: A copy of the transcript will be
22 marked as court exhibits?

23 MS. BRITSCH: Yes, I believe it's been marked
24 Court Exhibit 6.

25 THE COURT: All right. Court Exhibit 6 will be

14:33:47 1 received. It will be part of the court record, but it will
2 not be going back to the jury.

3 MR. WEINERMAN: Judge, can I inquire if just the
4 transcript of the pages that are relevant to this tape
5 recording is being circulated to the jury?

6 THE COURT: I am assuming so, yes.

7 MS. BRITSCH: Yes, Your Honor.

8 And the first two pages will correspond with the
9 first clip, and then the second clip will be the rest of the
10 transcript.

11 THE COURT: All right. Thank you.

12 MS. BRITSCH: And, Your Honor, may this be
13 published to the jury, please?

14 THE COURT: Yes. As soon as Ms. Pew can get this
15 up there, we're ready to go.

16 *(The video was played; not reported.)*

17 JUROR NO. 7: So hard to hear, Judge.

18 MS. BRITSCH: Your Honor, I don't believe the jury
19 can hear the video. I'm sorry.

20 THE CLERK: It's published.

21 THE COURT: Can we start over? Can we start from
22 the beginning?

23 MS. BRITSCH: Yes, Your Honor.

24 THE COURT: Is it up now?

25 THE CLERK: I don't know why it's not coming up.

14:35:49 1 THE COURT: Our system, I think when the
2 electricity went off, has had some problems.

3 Is it up now?

4 JUROR NO. 1: Yes.

5 *(The video was played; not reported.)*

6 MS. BRITSCH: Your Honor, I am sorry. We made a
7 mistake. It did not go back to the beginning. I apologize.
8 I am sorry.

9 THE COURT: Okay.

10 MS. BRITSCH: I apologize, Your Honor.

11 THE COURT: That's okay.

12 JUROR NO. 9: I have a question. Is someone
13 interpreting his answers?

14 THE COURT: You should be able to tell that from
15 the video once we get it started. I am not clear on that.

16 Is there an interpreter?

17 Why don't you introduce the video by telling us
18 when it was done and who is present.

19 MS. BRITSCH: Certainly, Your Honor.

20 So this interview video occurred and was recorded
21 on March 21st, 2017. Present in the room are the witness,
22 CC XXXXXX; the FBI interviewer, Janetta Michaels; and there
23 is an interpreter in there. His name is Roath.

24 The transcript only contains a transcription and
25 translation of what is said in Khmer in the video. What is

14:37:47 1 said in English in the video, because it's in English --
2 though I understand it is not always easy to hear -- is not
3 written on this transcript.

4 THE COURT: Okay.

5 *(The video was played; not reported.)*

6 THE COURT: All right.

7 MS. BRITSCH: There's one more clip, Your Honor.
8 I apologize. Just switch. Thank you.

9 *(The video was played; not reported.)*

10 MS. BRITSCH: Thank you, Your Honor. We have
11 nothing further.

12 THE COURT: All right. All right. Next witness,
13 then, for the government.

14 MR. SWEET: Thank you, Your Honor.

15 Your Honor, the government has only one more
16 witness for today. We anticipate that he will be briefer
17 than the others. Would it be possible to take just a five-
18 or ten-minute break?

19 THE COURT: All right. Let's take a break, folks.
20 We'll be have you out in just five or ten minutes.

21 *(Jury out.)*

22 THE COURT: All right. Recess.

23 MR. SINHA: Your Honor, just really quickly, can I
24 make a quick record?

25 THE COURT: Yes.

15:01:05 1 MR. SINHA: I certainly understand and respect the
2 court's ruling on the privilege issue. I think under the
3 Crime Victim Rights Act the government is required to make
4 best efforts to respect -- to protect what we interpret to
5 be victims' rights. I think there's only one more witness
6 who we would make a privilege objection to. I don't expect
7 the court to change its answer. I am just asking if I can
8 make that objection now, please.

9 THE COURT: Sure.

10 MR. SINHA: Okay.

11 THE COURT: I mean, my thought on it is, number
12 one, it's not really clear what this attorney's role is and
13 whether there's been established an attorney-client
14 relationship. And certainly, you know, after reading the
15 papers recently about attorney-client confidential
16 communications, when an attorney is talking to multiple
17 people, even if they are all his clients, it certainly is
18 not a confidential statement.

19 So if -- I mean, reading between the lines, it's
20 obvious this attorney has a very different role than what is
21 being suggested by the defense. But it's clear that some of
22 the kids did make an inquiry with this attorney about
23 staying in the United States, and it sounds like very little
24 came of it.

25 MR. SINHA: Thank you, Your Honor.

15:02:10 1 THE COURT: All right.
2 (Recess.)
3 THE COURT: Sorry about that.
4 All right. Bring the jury in.
5 Are you going to bring our next witness in?
6 MR. SWEET: Would you like us to bring him up now,
7 Your Honor?
8 THE COURT: Yeah, that's fine. Let's do that.
9 THE CLERK: There's someone's cell phone here.
10 THE COURT: Is that the -- our interpreter?
11 Excuse me. Is that her cell phone?
12 Is this your cell phone up here?
13 INTERPRETER LAURENT: Yes. Yes, thank you. It
14 has a dictionary, Your Honor, just in case.
15 THE COURT: Okay. I just wasn't sure. I wanted
16 to make sure the witness hadn't forgotten it.
17 And who is our next witness?
18 MS. BRITSCH: SS XXXXXXXX, Your Honor.
19 THE COURT: There's some water there if you need
20 it, and will you stay standing for a while until the jury
21 comes in. You can stay standing because we are going to
22 have you sworn in to tell the truth. Okay?
23 THE WITNESS (By the interpreter): Okay.
24 THE COURT: All right. Thank you.
25 (Jury in.)

15:29:32 1 THE COURT: All right. Please be seated,
2 everybody.

3 And SS XXXXX, if you'd raise your right hand,
4 please.

5 (The witness was sworn.)

6 THE WITNESS (By the interpreter): I affirm. I
7 swear.

8 THE CLERK: Please be seated.

9 State your name for the record, spelling your
10 first and last.

11 THE WITNESS (By the interpreter): Yes. In Khmer?
12 The spelling? Or English?

13 THE COURT: Let's have you state your name first.
14 And you can spell it for us in English is fine, if you like.

15 THE WITNESS (By the interpreter): My name is SS X
16 XXXXXX. SS XXXXXXXXXXXXXXXX.

17 THE COURT: All right, SS XX.

18 Go ahead.

19 MR. SWEET: Thank you, Your Honor.

20 **DIRECT EXAMINATION**

21 BY MR. SWEET:

22 Q. Good afternoon, SS XX.

23 A. (By the interpreter) Hello.

24 Q. Is it okay if I call you SS XX?

25 A. (By the interpreter) It's okay.

15:30:53 1 Q. And SS XX, what is your birth date, please.
2 A. (By the interpreter) The XXXX, in XXXXXXXX 1997.
3 Q. And where were you born, please?
4 A. (By the interpreter) I was born in Kampong Thom
5 province.
6 Q. And what country is that in?
7 A. (By the interpreter) In the country of Cambodia.
8 Q. And what city do you live in now, please?
9 A. (By the interpreter) Nowadays I live in Siem Reap.
10 Q. Okay. Is that also in Cambodia?
11 A. (By the interpreter) In the country of Cambodia.
12 Q. And could you tell me about your family? How many
13 brothers and sisters you have?
14 A. (By the interpreter) I have four siblings.
15 Q. And how many brothers and how many sisters?
16 A. (By the interpreter) Two boys and two girls.
17 Q. And SS XX, I am going to show you a picture, and it's
18 going to appear on a computer screen to your left. Okay?
19 A. (By the interpreter) Yes.
20 MR. SWEET: And, Your Honor, we have discussed
21 exhibits with the defense that the government has, and I
22 believe there's no objection to this being published.
23 THE COURT: It will be published. Thank you.
24 BY MR. SWEET:
25 Q. And can you see that?

15:32:42 1 A. (By the interpreter) I can see, see.
2 Q. And is this a picture of your passport, SS XX?
3 A. (By the interpreter) Yes.
4 Q. Okay. And does that correctly list your date of birth?
5 A. (By the interpreter) Correct.
6 Q. And SS XX, do you have a brother, SESX?
7 A. (By the interpreter) Have. I have.
8 Q. Okay. And SS XX, where did you grow up when you were
9 little, please?
10 A. (By the interpreter) Grow up, sir?
11 Q. What part of Cambodia did you live in when you were a
12 young boy?
13 A. (By the interpreter) I lived in the city of Phnom Penh.
14 Q. And SS XX, do you know Daniel Johnson?
15 A. (By the interpreter) No.
16 Q. You know him?
17 A. (By the interpreter) Yes.
18 Q. Okay. And about how old were you when you first met
19 him?
20 A. (By the interpreter) The age of 11 years old.
21 Q. And who introduced you to Daniel Johnson?
22 A. (By the interpreter) My older brother, SESX.
23 Q. And was SESX living with Daniel Johnson at that time?
24 A. (By the interpreter) He lived with him.
25 Q. Okay. I'd like to show you another photo. It's

15:34:42 1 Exhibit 271.

2 And can you see that, SESX? Or, sorry. SS XX.

3 A. (By the interpreter) I see, see.

4 Q. And do you recognize what that picture is of?

5 A. (By the interpreter) I can recognize it.

6 Q. And did you ever live there?

7 A. (By the interpreter) I did live over there.

8 Q. Is that the first location with Hope Transitions Center
9 that you lived at?

10 A. (By the interpreter) Yes.

11 Q. And I'd like to show you Exhibit 60, please.

12 And can you see that, SESX? Sorry. I am sorry.

13 SS XX. Excuse me.

14 A. (By the interpreter) Yes.

15 Q. Is that a picture of you?

16 A. (By the interpreter) Yes, yes, yes.

17 Q. And do you know where that picture was taken?

18 A. (By the interpreter) It was taken at home, at home
19 where the picture -- the picture was of the home.

20 Q. Okay. The first location of Hope Transitions Center?

21 A. (By the interpreter) Yes.

22 Q. And about how old were you -- let me back up.

23 SS XX, you said you were 11 years old when you
24 first met Daniel Johnson; is that correct?

25 A. (By the interpreter) Correct.

15:36:45 1 Q. And were you the same age when you first moved in to
2 Hope Transitions Center?
3 A. (By the interpreter) Yes.
4 Q. Okay. I'd like to show you two more photos.
5 58, please.
6 And who is in that photo, please?
7 A. (By the interpreter) It is me and my older brother,
8 SESX.
9 Q. Okay. And 61, please.
10 Who is that?
11 A. (By the interpreter) It is I.
12 Q. And do you know where that picture was taken, SS XX?
13 A. (By the interpreter) It's inside of the house of the
14 first place in which I lived in.
15 Q. And so just briefly, SS XX, could you tell us what a
16 typical day was like at Hope Transitions Center?
17 A. (By the interpreter) We lived there, and in the morning
18 we work -- we do our household chores in the morning.
19 And when we -- when it's time to go to school, we
20 go to school.
21 At nighttime we have our devotion together.
22 Afterward, we read stories and we go to sleep.
23 Q. And did you have friends at Hope Transitions Center?
24 A. (By the interpreter) Yes, yes.
25 Q. I'd like to show you Exhibit 76, please.

15:38:49 1 And do you know what location this photo was taken
2 from?
3 A. (By the interpreter) No. I -- no. No.
4 Q. Which -- let me ask you this: Did you live at three
5 separate locations at Hope Transitions Center?
6 A. (By the interpreter) Yes.
7 Q. Do you know if this was the first, second, or third?
8 A. (By the interpreter) The first one.
9 Q. And are you able to see the pictures of the boys' faces
10 in this photo? Is it big enough?
11 A. (By the interpreter) Yes, I can see.
12 Q. Are you in this picture, SS XX?
13 A. (By the interpreter) Yes.
14 Q. Okay. Could you just mark yourself. If you touch the
15 screen it will --
16 A. (Complied.)
17 Q. How about SO XXX? Do you see SO XXX there?
18 A. (By the interpreter) SO XXX. I see.
19 Q. Okay. And could you mark him too, please.
20 A. (Complied.)
21 Q. What about ES XXX? Do you see -- ES XXX or ES XX?
22 A. (By the interpreter) I see.
23 Q. Could you mark him, please.
24 A. (Complied.)
25 Q. And do you know, SS XX, if LT XXXXXXXX is in this

15:41:00 1 picture?

2 A. (By the interpreter) I see.

3 Q. Okay. Could you mark him, please.

4 A. (Complied.)

5 Q. And how about does LT XXXXXXXX -- actually, what about

6 CC X? Do you see CC X here?

7 A. (By the interpreter) CC X, I see.

8 Q. Could you mark him too, please.

9 A. (Complied.)

10 Q. All right. Thank you, SS XX.

11 Let me show you 272, please.

12 And could you identify that, please.

13 A. (By the interpreter) It is the second house.

14 Q. Okay. And I'd like to show you Exhibit 139, please.

15 And can you identify that?

16 A. (By the interpreter) This is the third house.

17 Q. Okay. So SS XX, just kind of going back in time to the

18 first house, did you have a good time when you were there?

19 A. (By the interpreter) Happy with my friends.

20 Q. And what was Daniel Johnson like at the first house?

21 A. (By the interpreter) When you look -- when you, you

22 know, appearance-wise and seemingly on the outside --

23 INTERPRETER LAURENT: Strike that.

24 Excuse me, Your Honor.

25 THE WITNESS (By the interpreter): When you look

15:43:13 1 at it, it was good.
2 BY MR. SWEET:
3 Q. And where did Mr. Johnson stay?
4 A. (By the interpreter) He is in a room by himself.
5 Q. And did anyone else sometimes stay in that room with
6 Mr. Johnson?
7 A. (By the interpreter) Yes, older BT XX.
8 Q. Okay. And anyone else?
9 A. (By the interpreter) There were times in which the kids
10 would go and spend the night.
11 Q. The night in Daniel Johnson's bedroom?
12 A. (By the interpreter) Yes.
13 Q. How was it that they would -- do you know how it was
14 that they ended up in Mr. Johnson's bedroom?
15 A. (By the interpreter) There were times at night in which
16 Daniel would come and take them to sleep.
17 Q. Where would he take them from?
18 A. (By the interpreter) At the place where the kids were
19 sleeping.
20 Q. Were the boys sleeping in a bunk room or like a dorm
21 room?
22 A. (By the interpreter) Yes.
23 Q. Did you sleep in that room as well?
24 A. (By the interpreter) I did.
25 Q. And so tell us what you saw, please. What did you see

15:45:34 1 Mr. Johnson do?

2 A. (By the interpreter) At nighttime he would come and

3 carry SO XXX in a cradling manner like this. That's my

4 interpretation. Cradle like this way to SO XXX, and sleep

5 in his room.

6 Q. Did you see any other boys get taken by Mr. Johnson?

7 A. (By the interpreter) Cha. C-H-A.

8 Q. Cha is another boy that lived at the orphanage?

9 A. (By the interpreter) Yes.

10 Q. And what other boys?

11 A. (By the interpreter) Like LT XXXXXXXX.

12 Q. So Cha, SO XXX, LT XXXXXXXX. Anyone else?

13 A. (By the interpreter) That's it.

14 Q. Was ES XXX ever taken by Mr. Johnson?

15 A. (By the interpreter) ES XXX, oh, yes.

16 Q. And were the boys awake or were they asleep when

17 Mr. Johnson took them out of the dorm room?

18 A. (By the interpreter) At times they were asleep, and he

19 came and just took them.

20 Q. Did you ever see boys in Mr. Johnson's bedroom in the

21 morning?

22 A. (By the interpreter) I have seen.

23 Q. And who did you see, please?

24 A. (By the interpreter) I seen SO XXX and LT XXXXXXXX.

25 Q. And was anyone else in Daniel Johnson's bedroom with

15:48:17 1 SO XXX or LT XXXXXXXX when you saw them?

2 A. (By the interpreter) No.

3 Q. Did you ever see Mr. Johnson in the bedroom with SO XXX

4 or LT XXXXXXXX?

5 A. (By the interpreter) I have.

6 Q. And when you saw Mr. Johnson and SO XXX or Mr. Johnson

7 and LT XXXXXXXX, were they awake or were they asleep?

8 INTERPRETER LAURENT: Counsel, could you rephrase

9 that a little bit.

10 MR. SWEET: Sure. I will split it into two.

11 INTERPRETER LAURENT: Okay. Thank you.

12 BY MR. SWEET:

13 Q. When you saw Mr. Johnson and LT XXXXXXXX in

14 Mr. Johnson's bedroom, were they awake or were they asleep?

15 A. (By the interpreter) I seen once -- I have -- I saw

16 once they were asleep.

17 Q. And what were they wearing?

18 A. (By the interpreter) Shorts.

19 Q. And when you saw Mr. Johnson and SO XXX in

20 Mr. Johnson's bedroom, were they awake or asleep?

21 A. (By the interpreter) Awake and laying around.

22 Q. And were they -- where were they in the room? Were

23 they in the bed together or were they somewhere else?

24 A. (By the interpreter) They were on the bed separately.

25 Q. And SS XX, you said that Mr. Johnson would take boys

15:50:46 1 out of the dorm room at night. How often did this happen?

2 A. (By the interpreter) For me myself, I seen it happen
3 twice, but I have heard -- SO XXX mentioned --

4 MR. WEINERMAN: Objection as to the heard.

5 THE COURT: Yes. Please don't testify about what
6 other people said.

7 THE WITNESS (By the interpreter): Yes.

8 MR. SWEET: Your Honor, one question, if I may,
9 because SO XXX did testify.

10 THE COURT: Is this a statement he heard from
11 SO XXX?

12 MR. SWEET: I suppose we would have to clarify
13 exactly what statement, so I will just continue at this
14 time, Your Honor. Thank you.

15 BY MR. SWEET:

16 Q. And SS XX, did you -- did boys give massages to
17 Mr. Johnson?

18 A. (By the interpreter) Yes.

19 Q. And how often did that happen?

20 A. (By the interpreter) Pretty often.

21 Q. And where would they give massages to Mr. Johnson?

22 A. (By the interpreter) In his bedroom.

23 Q. Okay. And where in his bedroom?

24 A. (By the interpreter) On his bed in which he sleeps.

25 Q. And did you also give Mr. Johnson massages in his

15:52:58 1 bedroom on his bed?

2 A. (By the interpreter) I have.

3 Q. And did you and other boys get something in return for
4 giving Mr. Johnson massages?

5 MR. WEINERMAN: Objection to the other boys,
6 unless a foundation is laid for personal knowledge.

7 THE COURT: If he knows, he can answer.

8 But only if you know whether other boys received
9 gifts.

10 THE WITNESS (By the interpreter): We have
11 received things to eat and money, a little bit. Sometimes
12 we get things to eat and other times we get money.

13 BY MR. SWEET:

14 Q. And did you see other boys get money or things to eat
15 for giving massages?

16 A. (By the interpreter) I have.

17 Q. And SS XX, when did you give Mr. Johnson massages?

18 Like what time would it be?

19 A. (By the interpreter) I gave it to him during the
20 daytime.

21 Q. And at what house? First house? Second house? Third
22 house? Any combination?

23 A. (By the interpreter) The first house.

24 Q. And did anything ever happen when you were giving
25 Mr. Johnson a massage in the first house?

15:55:26 1 A. (By the interpreter) It never happen.
2 Q. Okay. What never happened?
3 A. (By the interpreter) I am trying to say that he never
4 did anything to me.
5 Q. Did Mr. Johnson ever touch you anywhere while you were
6 giving him a massage?
7 A. (By the interpreter) He touched.
8 Q. And did you stop him from touching you?
9 A. (By the interpreter) I avoid to stop.
10 Q. Did you say anything to him to stop him from touching
11 you?
12 A. (By the interpreter) I didn't say anything. I just
13 ask, "Oh, I need to go here, I need to go there," so for the
14 purpose of evading or avoiding.
15 Q. So you were trying to evade being touched. Am I
16 understanding you correctly?
17 A. (By the interpreter) Yes.
18 Q. Did you actually leave Mr. Johnson's bedroom to evade
19 being touched?
20 A. (By the interpreter) Yes. I asked him if I could go
21 outside, like that.
22 Q. And did you -- I'm sorry. What was the last thing?
23 INTERPRETER LAURENT: If I could go outside, like
24 that.
25 BY MR. SWEET:

15:57:37 1 Q. And did you tell anyone that you had evaded being
2 touched by Mr. Johnson?
3 A. (By the interpreter) I told my older sibling.
4 Q. Is that SESX?
5 A. (By the interpreter) Yes.
6 Q. Did you also tell BT XX?
7 A. (By the interpreter) I told.
8 Q. And where did you stop Mr. Johnson from touching you?
9 What part -- let me back up. What part of your
10 body did you stop Mr. Johnson from touching?
11 A. (By the interpreter) The one I fear the most is going
12 to be around my butt area.
13 Q. And so let me ask you this: Did Mr. Johnson touch your
14 penis?
15 A. (By the interpreter) He did not.
16 Q. Did he touch your testicles?
17 A. (By the interpreter) The -- like the -- the dick part?
18 Q. Below?
19 A. (By the interpreter) There was once when I was sick.
20 At that time I -- my testicle was hurting, and I went to him
21 and asked him to examine it.
22 Q. Okay. But when you are giving him a massage and you
23 stopped him from touching you, did his hand -- did his hand
24 grab you?
25 A. (By the interpreter) Yeah, he touched me like around

16:00:30 1 the -- the buttock or penis area, only the buttocks area.
2 Q. And did he squeeze you?
3 A. (By the interpreter) He touched briefly, and I asked to
4 leave.
5 Q. Did you move his hand away?
6 MR. WEINERMAN: Objection; asked and answered.
7 THE COURT: Overruled. Let's clarify.
8 THE WITNESS (By the interpreter): I have asked
9 his -- to remove his hand, and I also -- I asked him to go
10 outside. And also I believe is to push away his hands.
11 (Reporter interrupted.)
12 INTERPRETER LAURENT: To push away his hands.
13 THE WITNESS (By the interpreter): Take his hand
14 out.
15 BY MR. SWEET:
16 Q. And was he touching your buttocks over your shorts or
17 under your shorts?
18 A. (By the interpreter) On top of the clothes I was
19 wearing.
20 Q. And you said you had asked him to leave, and you said
21 you moved his hand away. Were those separate times that we
22 are talking about?
23 A. (By the interpreter) Sometime I ask him to -- I asked
24 for permission to leave, and other times I take his hand
25 away.

16:02:24 1 Q. Okay. And about how many times did it happen at the
2 first house?

3 About -- I am sorry. Let me start over.

4 About how many times did Mr. Johnson touch your
5 buttocks at the first house?

6 A. (By the interpreter) Maybe around two or three times.

7 Q. And how many times, if any, did it happen at the second
8 house?

9 A. (By the interpreter) The happening at the second house?

10 Q. Did it happen at the second house?

11 A. (By the interpreter) No.

12 Q. And how about at the third house?

13 A. (By the interpreter) At the third house, not at all.

14 (Reporter interrupted.)

15 INTERPRETER LAURENT: The third house, not at all.

16 BY MR. SWEET:

17 Q. And after Mr. Johnson touched your buttocks, did he --
18 did you still give him massages after that?

19 A. (By the interpreter) Yes.

20 Q. Okay. And how did you feel when he would ask you for a
21 massage after he had already touched you?

22 A. (By the interpreter) I -- My feeling was fear. I was
23 concerned that he might do something more than that.

24 Q. What were you worried that he might do?

25 A. (By the interpreter) Just in case he might touch or he

16:04:33 1 might do something bad to me.

2 Q. And SS XX, did you think about telling any adults at

3 the orphanage?

4 A. (By the interpreter) I never told anybody. I only told

5 my older brother.

6 Q. And did you also tell BT XX as well, you said?

7 A. (By the interpreter) Yes.

8 Q. And what's BT XX's last name, please?

9 A. (By the interpreter) BT XXXXXXXXXX.

10 Q. And BT XX is his nickname?

11 A. (By the interpreter) Yes.

12 Q. And did you ever think about telling the police?

13 A. (By the interpreter) No.

14 Q. And why not?

15 A. (By the interpreter) Because he -- he didn't --

16 because -- well, you know, when you live together like that,

17 I would never think about up to the level of telling the

18 police.

19 Q. And SS XX, how do you feel about Mr. Johnson now?

20 MR. WEINERMAN: Objection; irrelevant.

21 THE COURT: Just goes toward bias.

22 Go ahead.

23 THE WITNESS (By the interpreter): I -- my feeling

24 now, it is -- you know, he used to -- well, I feel normal --

25 (Reporter interrupted.)

16:06:57 1 THE WITNESS (By the interpreter): Feel normal
2 towards him because he has lied to me.

3 BY MR. SWEET:

4 Q. How has he lied to you, SS XX?

5 MR. WEINERMAN: Objection; irrelevant.

6 MR. SWEET: I can -- let me rephrase, if I may,
7 Your Honor.

8 THE COURT: Yes.

9 BY MR. SWEET:

10 Q. What did Mr. Johnson lie to you about?

11 MR. WEINERMAN: Objection; relevancy.

12 THE COURT: Do you know what the answer will be?

13 MR. SWEET: I am not sure. I can -- let me back
14 out a little bit.

15 Well, I think there are multiple possibilities,
16 Your Honor.

17 THE COURT: All right. I will allow him to answer
18 the question. It may be relevant.

19 THE WITNESS (By the interpreter): He lies to me
20 about things like whatever he promise to do, and he didn't
21 do according to his promise, in another incident like the
22 cost of the school.

23 *(Reporter interrupted.)*

24 THE WITNESS (By the interpreter): Like the cost
25 of the school. And someone already pay for that expense for

16:08:31 1 the school, and he did not pay it to me.
2 BY MR. SWEET:
3 Q. And SS XX, let me ask you this: Did you leave Hope
4 Transitions Center before Mr. Johnson was arrested?
5 A. (By the interpreter) I left before he was arrested.
6 Q. Okay. And are you mad at Mr. Johnson because of the
7 circumstances under which you left?
8 A. (By the interpreter) Yes.
9 Q. Okay. And SS XX, did you -- how is it that you came to
10 leave?
11 A. (By the interpreter) When I left, I wanted to leave. I
12 lie to him. I want out. I want him to get angry at me so
13 that he would kick me out.
14 Q. Did you get kicked out for lying to Mr. Johnson?
15 A. (By the interpreter) Yes. He kicked me out.
16 Q. And so, SS XX, did you talk to the police when
17 Mr. Johnson was arrested?
18 A. (By the interpreter) No.
19 Q. And is the first time you talked to the FBI about two
20 months ago in Phnom Penh?
21 A. (By the interpreter) When I speak with the FBI?
22 Q. Was that -- was the first time you spoke to the FBI
23 about two months ago in Phnom Penh?
24 A. (By the interpreter) True.
25 Q. And did you call the FBI or did the FBI call you or

16:11:03 1 your brother?

2 A. (By the interpreter) The FBI called my older brother.

3 And I saw that and I also wanted to come -- I
4 wanted to accompany him so that I can testify. I asked for
5 my brother so I can present the best -- excuse me, not
6 testify. Present myself.

7 Q. And SS XX, before Mr. Johnson's arrest, did SO XXX say
8 anything to you about what Mr. Johnson did to him?

9 A. (By the interpreter) SO XXX used to tell me.

10 Q. What did SO XXX used to tell you?

11 A. (By the interpreter) He said that he did things. He
12 did bad things like, oh, that D and him slept together.

13 (Reporter interrupted.)

14 INTERPRETER LAURENT: D, Daniel.

15 BY MR. SWEET:

16 Q. And did he give any details of what they did when they
17 slept together?

18 A. (By the interpreter) He did not give any details. He
19 just said D did -- did that to him.

20 Q. Was SO XXX talking about sexual things?

21 MR. WEINERMAN: Objection; leading.

22 THE COURT: Overruled. Let's clarify.

23 THE WITNESS (By the interpreter): Yes.

24 MR. SWEET: Thank you, SS XX. I have no further
25 questions.

16:13:55 1 THE COURT: All right. SS XX, Mr. Johnson's
2 attorney will have some questions for you.

3 THE INTERPRETER: Yes.

4 **CROSS-EXAMINATION**

5 BY MR. WEINERMAN:

6 Q. So SS XX, you left on bad terms with Mr. Johnson; is
7 that correct?

8 A. (By the interpreter) Yes.

9 Q. You were angry with him about a dispute about paying a
10 bill?

11 A. (By the interpreter) No. It's like when I was living
12 there, after a while it's not the same as before. He
13 changed a lot.

14 Q. Well, I think you testified a few minutes ago that you
15 thought he should have paid a bill and he didn't.

16 Do you remember that?

17 A. (By the interpreter) Yes. That issue I also was mad at
18 him because he lied to me and he didn't get to pay it for
19 me.

20 Q. So you were unhappy about that?

21 A. (By the interpreter) Yes.

22 Q. And you weren't happy that he kicked you out of Hope
23 Transitions Center, were you?

24 A. (By the interpreter) He kicked me out that night?

25 Q. He kicked you out of Hope Transitions Center because

16:15:42 1 you didn't follow a rule, right?

2 A. (By the interpreter) Yes.

3 Q. Who received the phone call to talk to the FBI? Was it
4 your brother?

5 A. (By the interpreter) My older brother, SESX.

6 Q. He received the call, not you?

7 A. (By the interpreter) Yes.

8 Q. And was it a telephone call or was it a chat on
9 Facebook? Which one?

10 A. (By the interpreter) Oh, at that time is for -- I think
11 it's a chat. I don't really clearly -- I don't clearly
12 know.

13 Q. You weren't with him when he received the chat?

14 A. (By the interpreter) No, I was not there. And when it
15 was time for him to go to Phnom Penh, he showed me the chat,
16 and he said that he has to go to Phnom Penh -- he has to go
17 to Phnom Penh for the FBI.

18 And he asked me that, "Younger brother, do you
19 want to go with me, older brother, or not?"

20 Q. And you said yes?

21 A. (By the interpreter) Yes, yes.

22 Q. Did he tell you that the FBI was interested in
23 discovering witnesses in the Daniel Johnson case?

24 A. (By the interpreter) Yes.

25 Q. And did you know that there was an opportunity to come

16:18:20 1 to the United States to testify in this case?

2 A. (By the interpreter) I did not.

3 Q. Your brother told you about talking to the FBI sometime
4 this year, correct?

5 A. (By the interpreter) Yes.

6 Q. If you talked to the FBI on March the 9th of this year,
7 when did you learn that your brother was going to go to
8 Phnom Penh to talk to the FBI?

9 A. (By the interpreter) I don't remember a date. I just
10 know it was in March.

11 Q. Did you know that the meeting was going to be in the
12 U.S. embassy in Phnom Penh?

13 A. (By the interpreter) My older brother told me. Is that
14 what you mean?

15 Q. Yes. Did he?

16 A. (By the interpreter) I really didn't know where they
17 were meeting. I just know they were meeting in Phnom Penh.

18 Q. Well, how did you know where to go?

19 A. (By the interpreter) I know that we have to go to Phnom
20 Penh. My older brother told me we are going to meet in
21 Phnom Penh, but I did not know the exact location where it
22 was going to be.

23 Q. And did your brother say anything to you about what he
24 was going to tell the FBI?

25 A. (By the interpreter) No.

16:21:15 1 Q. And you didn't tell him what you were going to tell the
2 FBI?
3 A. (By the interpreter) Yes, it's the same.
4 Q. And were you living in Phnom Penh when you went to see
5 the FBI or were you living somewhere in the country?
6 A. (By the interpreter) I live in Siem Reap.
7 Q. How far from Phnom Penh?
8 A. (By the interpreter) It's almost 300 kilo or a little
9 bit over 300 kilo.
10 Q. And did you travel by car? By bus? By train?
11 A. (By the interpreter) The bus.
12 Q. Okay. And it took a few -- how many hours did it take
13 to get to Phnom Penh?
14 A. (By the interpreter) Five to six hours.
15 Q. And you didn't talk at all about Daniel Johnson and
16 what Daniel Johnson did?
17 A. (By the interpreter) We did not have the opportunity to
18 speak with each other because I took the -- the vehicle, we
19 board the bus at nighttime and then we have different beds.
20 And we were asleep, sleeping.
21 Q. So you didn't talk to each other the entire trip?
22 A. (By the interpreter) That is called taking the night
23 bus.
24 Q. And you didn't talk to each other?
25 A. (By the interpreter) No. Different beds.

16:23:35 1 Q. So when you arrived at the U.S. embassy on March the
2 9th, approximately what time was it?

3 A. (By the interpreter) I got there -- I went there -- I
4 arrived there at 6:00 in the morning. 6:00 in the morning.

5 Q. And you met with some FBI agents, correct?

6 A. (By the interpreter) Yes. At the same date, sir?

7 Q. Yes.

8 A. (By the interpreter) I met.

9 Q. And who was interviewed first? You or your brother?

10 A. (By the interpreter) My older brother, SESX. He was
11 interviewed first.

12 Q. And after he was done, did you talk to him?

13 A. (By the interpreter) Yes, I did.

14 Q. Did he tell you what the FBI asked him in the
15 interview?

16 A. (By the interpreter) He did not tell me anything.

17 Q. Okay. Did you ask him what came up during the
18 interview?

19 A. (By the interpreter) Only that he said we were talking
20 about Daniel. And he said only that when you are talking
21 about Daniel, just say whatever you know to be the truth.

22 Q. And did you discuss -- before you went in to talk to
23 the FBI, did you discuss a possible trip to the United
24 States?

25 A. (By the interpreter) We did not discuss it.

16:26:32 1 Q. After you were finished talking to the FBI, did they
2 tell you that they wanted you to come to the United States
3 to testify?

4 A. (By the interpreter) at that time I already returned to
5 Siem Reap, and the FBI contacted my older brother and said,
6 do you want to come to the United States or not.

7 Q. They asked your brother, not you?

8 A. (By the interpreter) They ask my older brother and they
9 ask also the same.

10 Q. When you say the same, they asked you if you were
11 willing to come to the United States?

12 A. (By the interpreter) They asked my older bother,
13 SES XXXXXXXXXXXX, do you want to come to the United States.
14 Please tell your brother SS XX, does he want to go to the
15 United States.

16 Q. Now, were you working at the time before you left
17 Cambodia? Were you working before you left Cambodia to come
18 over here?

19 A. (By the interpreter) I was busy working.

20 Q. Did you have to quit your job to come here?

21 A. (By the interpreter) Yes.

22 Q. Your job wouldn't give you the month off that you are
23 going to be here?

24 A. (By the interpreter) yes.

25 Q. How much money do you make a month in American dollars?

16:29:33 1 A. (By the interpreter) My salary is \$200 a month.
2 Q. And you are going to receive approximately \$2,000 while
3 you are here?
4 A. (By the interpreter) No.
5 Q. 500 a week?
6 A. (By the interpreter) Yes, that's \$500 a week is the
7 money for food, isn't it?
8 Q. Depends how -- what your appetite is.
9 A. (By the interpreter) Yes.
10 Q. Do you think you could eat \$500 worth of food in a
11 week?
12 A. (By the interpreter) Not all of it. Of course.
13 Q. So \$500 a week. You are going to be here for a month,
14 correct?
15 A. (By the interpreter) Yes.
16 Q. So 500 a week for four weeks is \$2,000?
17 A. (By the interpreter) Yes.
18 Q. Minus what you use for food?
19 A. (By the interpreter) Yes.
20 MR. WEINERMAN: Thank you. I have no further
21 questions.
22 THE COURT: All right. Redirect.
23 MR. SWEET: Thank you, Your Honor. I will be
24 brief.
25

REDIRECT EXAMINATION

BY MR. SWEET:

Q. SS XX, let me ask you this: When you go back to Cambodia, what is it that you want to do?

A. (By the interpreter) I want to work in the U.S. embassy.

Q. In Phnom Penh?

A. (By the interpreter) Yes, because I receive higher salary than the place I used to work before.

Q. And SS XX, do you remember going to the U.S. embassy around March 9th of this year with your brother?

A. (By the interpreter) Yes.

Q. And did the FBI go talk with your brother?

A. (By the interpreter) Spoke to my older brother SESX.

Q. And did you end up sitting at a table with myself and Ms. Britsch here. Do you remember sitting at a table with us?

A. (By the interpreter) Yes.

Q. And do you remember just chitchatting about things with us?

A. (By the interpreter) I recall.

Q. And at some point did it come up -- did we learn that you had lived at Hope Transitions Center?

A. (By the interpreter) Can you please come to your attention? Can you please repeat that again?

16:33:08 1 Q. Yes. When we were chitchatting, did you tell us that
2 you lived at the Hope Transitions Center?

3 A. (By the interpreter) I did.

4 Q. Did we look very surprised when you said that?

5 MR. WEINERMAN: Objection as to his
6 interpretation.

7 THE COURT: Sustained.

8 BY MR. SWEET:

9 Q. After you told us that, did we go get an FBI agent to
10 come be with you?

11 A. (By the interpreter) In Cambodia?

12 Q. Yes.

13 A. (By the interpreter) No. When we were talking we were
14 at the U.S. embassy, and then after it's over we went to --
15 we went out separately.

16 Q. Did you go talk to an FBI agent at the U.S. embassy
17 after you met Ms. Britsch and myself?

18 A. (By the interpreter) Yes. We chitchat with him or her.

19 Q. Okay. And just one last question, SS XX. Did you tell
20 the truth here today about what Mr. Johnson -- how he
21 touched you?

22 A. (By the interpreter) Tell the truth to who? I already
23 told it.

24 MR. SWEET: I have nothing further. Thank you.

25 THE COURT: All right. Thank you have very much.

1 I appreciate your time today. You are free to step down.

2 THE WITNESS (By the interpreter): I can leave
3 now?

4 THE COURT: You can leave. It's possible you
5 might be asked to come back to clarify things, but I don't
6 think either side is planning on having you come back at
7 this time.

8 THE WITNESS (By the interpreter): Yes.

9 THE COURT: All right. Thank you very much.

10 THE WITNESS (By the interpreter): Yes.

11 THE COURT: I am assuming we don't have a witness
12 to fill just a quick 20-minute period on a Friday.

13 MS. BRITSCH: We don't, Your Honor.

14 THE COURT: All right. Folks, it's federal
15 Friday. We are letting you out early.

16 Again, I want to thank you. We have made it
17 through our first week. I appreciate your attentiveness. I
18 know both sides just understand the sacrifice this takes to
19 get through this length of a trial.

20 I would ask you not to look at the Eugene
21 Register-Guard over the weekend and to look at any local
22 media with some caution.

23 Again, please don't talk about the case with other
24 folks. Don't look up any information. And I will have a
25 stronger voice Monday. And we'll see you Monday at nine

16:36:22 1 o'clock. Thank you very much.

2 (Jury out.)

3 THE COURT: All right. Is there anything else we
4 need to discuss on the record?

5 MR. SINHA: No, Your Honor.

6 MR. WEINERMAN: No, Your Honor.

7 THE COURT: All right. We can go off the record.

8 (The proceedings were concluded this
9 4th day of May, 2018.)

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1 I hereby certify that the foregoing is a true and
2 correct transcript of the oral proceedings had in the
3 above-entitled matter, to the best of my skill and ability,
4 dated this 4th day of May, 2018.

5
6 /s/Kristi L. Anderson

7 Kristi L. Anderson, Certified Realtime Reporter
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